

HAYES TOWNSHIP
BOARD OF TRUSTEES REGULAR MEETING
February 10TH, 2025 7:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720
ZOOM 849 2451 3210

The February 10th, 2025, meeting of the Hayes Township Board was called to order by Supervisor William Conklin at 7:00 pm.

Board members present were Matt Cunningham (Trustee), Julie Collard (Treasurer), Doug Kuebler (Trustee), April Hilton (Deputy Clerk/Recording Secretary), William Conklin (Supervisor) and Kristin Baranski (Clerk)

Audience Members signed in: Stan Boris, Sherry Baker-McCarey, David Zipp, Ray Cunningham, Kyra Allen, Deb Narten, Dee Hutchinson, Connie Foster, Bob Fowler, CT Martin, Gerry Mills, Jim McMahon, Tim Boyko, Joellen Rudolph, Kathy Simon, Roy Griffiths, Betty Henne, Bill Henne, Ellis Boal, Tiffany George, Mel Czechowski, Bob Jess, Catherine Phelps, Daren Phelps, Kayla Pennington, Rick Daniel, Mary Mills, Mark Warner, Shelley Dorgan, LuAnne Kozma, and Omar Feliciano.

CALL TO ORDER

Supervisor William Conklin called the meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

REVIEWED & APPROVED AGENDA

- Add item 10A Intergovernmental data sharing agreement for Charlevoix County digital geographic data sets resolution.

- Remove Item #10 The reappointment of Jim Rudolph to the BOR

Mr. Cunningham made a motion, supported by Ms. Baranski to approve the agenda as amended.

Yays: Matt Cunningham, Julie Collard, Doug Kuebler, William Conklin, and Kristin Baranski.

Nays: None Motion Carried

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS

Public comment opened and closed at 7:05.

Public comments included:

- Stated they had been to Camp Seagull Park and plowed the drive open for the fishers. Observed many fishers out on Lake Charlevoix. Fished with the DNR on Saturday. Everyone goes down to the lake this time of year at their own risk. Feels the park should be open year round.

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- Stated they are concerned of the liability for the Township if someone gets stuck on the drive or falls through the ice.
- Pleasantly surprised about the articles in the Voice this month.
- Stated they find the Hayes Township Hall Parking lot not plowed on the weekends.
- Stated they had a short term rental on their road shoot off fireworks early in the morning. Found the Township's motion to remove the Short Term rental section of the Hayes Township Ordinance was wrong. Would like the Board to reconsider enforcement on short term rentals.
- Stated they were at the meeting when the board canceled the Short Term Rental Ordinance and was also disappointed when the board canceled it. Feels the Zoning Administrator is paid enough and has the time to enforce a Short Term Rental Ordinance. Feels there is a large amount of Short Term rentals in Hayes Township.
- Stated the item regarding Beckett and Raeder and the Planning Commission Ordinance draft, they feel the philosophy of the current Planning Commission is supporting more development and feel that is the wrong way to go. Request the Board to not send the Ordinance draft to Beckett and Raeder.
- Correspondence Attached. Stated Mr. VanZee and Mr. Cunningham have failed to enforce a Shoreland Restoration Violation on Peaceful Valley Drive. Feels Mr. Cunningham should step down as the Liaison of the Zoning Ordinance.
- Requested the status of whom is paying for the current lawsuit against Hayes Township.

Closed at 7:25

APPROVAL OF JANUARY 13TH 2025 BOT REGULAR MEETING MINUTES:

Ms. Baranski made a motion, supported by Mr. Kuebler, to approve the January 13th, 2025, Board of Trustees regular meeting minutes as corrected.

Yeas: Julie Collard, William Conklin, Matt Cunningham, Doug Kuebler, and Kristin Baranski.

Nays: None **Motion Carried**

APPROVAL OF JANUARY 28TH 2025 BOT SPECIAL MEETING MINUTES:

Ms. Baranski made a motion, supported by Mr. Kuebler to approve the January 28th, 2025, Board of Trustees regular meeting minutes as corrected.

Yeas: Julie Collard, William Conklin, Matt Cunningham, Doug Kuebler, and Kristin Baranski.

Nays: None **Motion Carried**

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TREASURERS REPORT

Ms. Collard presented a written report reporting all Hayes Township account balances. Ms. Collard stated she received an update from the Auditor and they plan for the audit to be completed by the end of the work week and will hopefully have a presentation ready for the March Board of Trustee Meeting.

CLERKS REPORT: APPROVAL OF WARRANTS

Ms. Baranski made a motion, supported by Mr. Kuebler to pull \$10,000 from Parks and Rec Equipment and Improvements to increase Legal Services. A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler, and Kristin Baranski.

Nays: None **Motion Carried**

Ms. Baranski made a motion, supported by Ms. Collard to decrease Hall Electric and increase Election Supplies. A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler, and Kristin Baranski.

Nays: None **Motion Carried**

Ms. Baranski made a motion, supported by Mr. Kuebler, to adopt the 24-25 Budget as amended. A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler, and Kristin Baranski.

Nays: None **Motion Carried**

Clerk, Ms. Baranski, presented the warrants in the amount of \$49,624.42.

Ms. Baranski made a motion, supported by Ms. Collard, to approve Township warrants in the amount of \$49,624.42. A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler, and Kristin Baranski.

Nays: None **Motion Carried**

Ms. Baranski made a motion, supported by Ms. Collard to approve the installment payment for the EMS building loan in the amount of \$10,248.13, the total installment payment will be offset 100% by the LCEMSA monthly lease payment. A roll call was taken.

Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler, and Kristin Baranski.

Nays: None **Motion Carried**

COUNTY COMMISSIONER REPORT

Bob Jess presented an oral County Commissioners Report.

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PARKS AND REC. REPORT

Did not meet. Next Parks and Rec meeting is scheduled for February 13th 2025.

PLANNING COMMISSION

Mr. Cunningham presented the Planning Commission Report. The next regular Planning Commission meeting is February 18th, 2025, at 7:00 pm.

ZONING BOARD OF APPEALS

ZBA did not meet.

Next ZBA meeting is scheduled for March 26th, 2025, at 7 pm.

ZONING ADMINISTRATOR REPORT

April Hilton presented a Zoning Administrator report.
Report available at the Hayes Township Hall.

TRUSTEES:

Mr. Cunningham stated his company donates the service of the bubblers at Hayes Township park every year. They cannot install the bubblers until there is ice due to the risk of damaging the bubblers. Mr. Cunningham stated he plowed a single lane into the park for his crew to access the park. A member of his crew will check the bubblers once a week to make sure they are all working correctly. Mr. Conklin thanked Lyons for their donation towards the bubblers at Hayes Township Park.

SUPERVISOR REPORT: William Conklin presented a supervisor report.

Mr. Conklin has appointed Kayla Pennington as Deputy Supervisor and requested the Board approve up to 100 hours at Deputy Clerk pay rate to assist with preparation of the Budget. Ms. Collard recommended to Mr. Conklin to first sit down with the Clerk and Treasurer as they have the most experience with Hayes Township budgeting.

UPDATE MARCH BOARD OF REVIEW DATES:

Ms. Baranski made a motion, supported by Mr. Kuebler to approve Tuesday March 4th 2025 at 1 pm for the organization meeting for the Board of Review. To approve the updated

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Board of Appeals process dates for March 10th, 2025, 9am-3pm and the Following
Wednesday March 12th, 2025, from 3pm-9pm.

Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler and Kristin Baranski.

Nays: None

Motion Carried

**INTERGOVERNMENTAL DATA SHARING AGREEMENT FOR CHARLEVOIX COUNTY DIGITAL
GEOGRAPHIC DATA SETS RESOLUTION #021025A:**

**INTERGOVERNMENTAL DATA SHARING AGREEMENT FOR
CHARLEVOIX COUNTY DIGITAL GEOGRAPHIC DATA SETS**

This agreement is entered on 2/10/2025, between Charlevoix County, Charlevoix,
Michigan, hereafter referred to as the County, and the Municipality of
Hayes Township, hereafter referred to as the Municipality.

The **County** has produced geographic data and outputs of original digital geographic data. They
are licensed for use, not sold. The **County** reserves all rights of authorship granted under U.S.
and International copyright laws and agreements and under Michigan Enhanced Access to Public
Records, Act 462 of 1996, as amended.

The parties agree as follows:

1. **Municipality** agrees not to resell, redistribute or sub-license the **County's** digital
geographic data in digital form. Freedom of Information Act requests for digital geographic
data must be redirected to the **County**.
2. **Municipality** may redistribute a portion or all of the County's digital geographic data
in digital form to a **Consultant** or third party **Contractor** under contract by the **Municipality**
for the sole purpose of conducting business of the **Municipality**. All digital data set must be
returned to the **Municipality** upon completion of the **Consultant's** work.
3. **Municipality** shall immediately notify the **County** in writing of any misuse,
misappropriation, or unauthorized disclosure of Confidential Information that may come to its
attention.
4. **Municipality** acknowledges that its obligations to protect the Confidential Information
are essential to the business interest
available in law, equity, or otherwise for the disclosure or use of Confidential Information in
breach of this Agreement, the **County** shall be entitled to seek and obtain a temporary restraining
order, injunctive relief, or other equitable relief against the continuance of such breach, in
addition to all other remedies, including attorney fees, and without the requirement of posting a bond or
undertaking or proving injury as a condition for relief.
5. **No Warranty**. The burden for determining "fitness for use" rests with the **Municipality**.
The **County** will not be liable in anyway for accuracy of the data, and assume no responsibility
whatsoever for direct, indirect, special, consequential, exemplary or other damages. Further, the

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Municipality agrees to indemnify, hold harmless and defend the **County** its employees, agents and representatives from any and all claims, damage, liabilities and expenses arising from the **Municipality's** use of the **County** digital geographical data.

6. Return of Materials. Upon the County written request, Municipality agrees to promptly return to the County any materials or documents, whether or not furnished by the County, containing Confidential Information together with all copies thereof made by Municipality, or to destroy such items and deliver to the County written certification that they have been destroyed.
7. Term; Termination. This Agreement shall be effective as of the date first written above and shall continue until terminated by either party upon thirty (30) days prior written notice. All obligations undertaken respecting Confidential Information already provided hereunder shall survive any termination of this Agreement. The Municipality shall, within twenty (20) days of a written request by the County, return all Confidential Information, including all copies thereof, to the County, or, if so directed by the County, destroy all such Confidential Information. The Municipality shall also, within ten (10) days of a written request by the County, certify in writing that it has satisfied its obligations under this Agreement.
8. Governing Law. The laws of the State of Michigan shall govern the interpretation of this Agreement as it relates to the specific disclosed Confidential Information.
9. Agreement to Supersede any Prior Agreements. The parties hereby expressly understand and agree that the terms and conditions of this Agreement shall supersede any and all prior agreements between the parties related to data sharing of the Charlevoix County digital geographic data sets. The parties further understand and agree that any such prior agreements are hereby declared null and void.ests of the **County** and that the disclosure of such Confidential Information in breach or threatened breach of this Agreement would cause the **County** immediate, substantial, and irreparable harm, the value of which would be extremely difficult to determine. Accordingly, Municipality agrees that, in addition to any other remedies that may be intergovernmental data sharing agreement for Charlevoix County Digital geographic data sets.

Ms. Baranski made a motion, supported by Mr. Kuebler to approve Resolution NO. 021025A for Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler, and Kristin Baranski.
Nays: None **Motion Carried**

BECKETT & RAEDER CONTRACTUAL OBLIGATIONS OR ARRANGEMENTS FOR WORK ON ZONING ORDINANCE:

The Board of Trustee discussed the Beckett and Raeder (BRI) contract.
Discussion included:

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- Concerns about what contractual agreement is currently in place between Beckett and Raeder and Hayes Township.
- Belief a written agreement must be in place.
- Board members requested copy of the proposal and email Supervisor Conklin received from Beckett and Raeder.
- Clerk, Baranski presented minutes from August 2020 when Shawn Winter presented the zoning ordinance annotated summary and encouraged feedback, clarification and direction to improve the ordinance write process. The re-write intent was to create a more user friendly document “streamline, clarify, limit legalese, use illustration and hyperlinks” that align with the goals, objectives, future land use and zoning plan per the Hayes Township Master Plan to the Planning commission. Clerk also provided copies of emails from February 2021 of communications with BRI including notice that Shawn Winter was leaving BRI (a couple days after receiving draft) and the draft of the zoning ordinance. Clerk suggested Supervisor read the Draft Ordinance.
- Clerk suggested a meeting with BRI, Zoning Administrator, Planning Commission chair and supervisor and Clerk to remedy draft ordinance and contract.
- Contract should clearly spell out the obligations of both parties.
- Clerk clarified Hayes Townships intent with the draft was to make the Zoning Ordinance easier for residents to use and as clear as possible for enforcement.
- Ms. Baranski will make an appointment with Beckett and Raeder to discuss the draft ordinance and contract.
- Board members have a concern that Supervisor Conklin provided a copy of the newest BRI Proposal to a member of the public and did not share proposal with the other four board members.

HAYES TOWNSHIP PARK WINTER PLOWING:

The Board of Trustees discussed plowing at the Hayes Township Park.

Discussion included:

- Supervisor suggested moving boulders and allowing parking in front field.
- Supervisor would like to see a significant parking area cleared of snow for ice fishers and the DNR to turn trailers around and park.
- Clerk clarified boulders can not be moved and the field had been seeded with grant money years ago and parking there would ruin the seeding. Clerk suggested using the over flow

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parking field from the main entrance. Presented a bid from B&G, requested approval for more than proposed due to the bid being from the old entrance versus the main entrance.

- Resident stated they plowed a lane into the park from the main entrance in concern for the DNR and ice fishers.

- Mr. Cunningham suggested opening the road wide enough for people to park along side of the road and use the field as a turn around area only.

Ms. Collard made a motion, supported by Ms. Baranski to accept the bid from B&G Enterprises to not exceed \$120 every 3 to 6 inches of snow from the main entrance with the road wide enough to allow for parking to the Over flow parking field with an area to turn around. A roll call was taken.

Yeas: William Conklin, Matt Cunningham, Julie Collard, Doug Kuebler and Kristin Baranski.

Nays: None

Motion Carried

HAYES TOWNSHIP POSITION APPLICATION:

Ms. Collard made a motion, supported by Ms. Baranski to adopt a new official application form to be used for all applicants for all open positions at Hayes Township Hall.

Yeas: William Conklin, Matt Cunningham, Julie Collard, Doug Kuebler and Kristin Baranski.

Nays: None

Motion Carried

ZONING BOARD OF APPEALS POSITION POSTING:

The Board of Trustees came to a census to post an open position for the Zoning Board of Appeals on the Hayes Township Website.

OFFICE EQUIPMENT CONTRACT-APPLIED INNOVATION:

Ms. Collard made a motion, supported by Ms. Baranski to accept the new lease proposal from Applied Innovation, in the total annual cost of \$4296.97 for a new copy/printer saving annually \$707.88 compared to the current copy/printer annual price of \$5004.85. A roll call was taken.

Yeas: William Conklin, Matt Cunningham, Julie Collard, Doug Kuebler and Kristin Baranski.

Nays: None

Motion Carried

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SET DATE AND TIME FOR ANNUAL MEETING WITH CHARLEVOIX COUNTY ROAD COMMISSION:

The Board of Trustee came to a census to make the first request the annual meeting with the Charlevoix County Road Commission for Wednesday, February 26th 2025, and second request for Monday, February 24th 2025.

PUBLIC COMMENTS: Public comments opened at 9:11 pm.

Comments included:

- Appreciates the plowing at the Hayes Township Park. Feels the Supervisor should have a deputy.
- Request for the board to fix the mic system. Stated they see pros and cons to personal phone numbers being available to the public. Stated there was an emergency call in Hayes Township that was responded to within 5 minutes of the call, which is great. Would like to know why the Supervisor report was not in the pre-meeting packet. Would like to know the rules for how long a resident has to speak during public comment.
- Requested clarification if the lawsuit is still in effect. Mr. Conklin Clarified yes. Resident requested if a compromise has been discussed. Mr. Conklin stated he can not answer here. Resident stated there is multiple people who view the lawsuit is a waste of money.
- Stated they think an easy solution to the lawsuit is for the Board to rescind their motion. Stated they are bothered by the thought of negotiating with a fellow township for fire support, would not want the quality of service to decrease.
- Stated clarification if the insurance company will cover the cost of the lawsuit for the township. Ms. Baranski stated they will not. Resident stated if the insurance does not find the lawsuit of value to defend then why go forward with it. Stated they feel the closed session should be part of the minutes. Ms. Baranski stated what happens during closed session is attorney client privileged. Ms. Baranski clarified the insurance coverage is for specific type of lawsuits. Resident stated Marion Township had a similar motion and decided to rescind their motion regarding Planning Commission Members appointments. Mr. Conklin clarified each board is following their attorney's guidance, therefore Marion Township's Lawyer guided them to their decision.

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- Stated they feel the Hayes Township Attorney did not make a recommendation for the motion or whether the motion was legal. They don't feel Todd is the right attorney for the township.
- Requested clarification on the fire contract negotiations. Ms. Collard clarified the contract number came from the former supervisor and Charlevoix Township does not have information to where the amount came from. Thinks it would be best for the board to rescind the motion.
- Suggested for the board to create a voicemail per department to resolve the contact issue. Feels the road commission should decide when to brine. Supports the Supervisor to have a deputy. Would like to see the Board get a second opinion from a different attorney for the lawsuit. Appreciates everyone hard work.
- Feels the Deputy Supervisor should be granted. Suggested posting the open position in the voice. Don't feel like everyone goes to the website.
- Stated the state law states the Supervisor may appoint a deputy and the board of trustees shall set a pay and are required to pay a deputy supervisor. Stated they were at Marion Township's meeting when they rescinded their motion. Stated they have filled out many FOIA request for the Hayes Township Zoning Ordinance Draft. Stated they had spoke John from BRI and he stated he had recieved the Draft around the Christmas holiday. Correspondence attached. Mr. Conklin stated the board will be arranging a meeting with Beckett and Raeder to discuss the contract and draft.

Public comments closed at 9:40 p.m.

BOARD OF TRUSTEE COMMENT:

Mr. Kuebler would like to have the Supervisor's report before the meeting.

Mr. Cunningham stated is the Supervisor report should be about correspondence and achievements of the supervisor not agenda items that will already be discussed.

Ms. Baranski would like to see the Supervisor in the office more. Offered to switch her office hours to overlap some of his.

Mr. Conklin stated he has a full time job and did not realize being Supervisor was also a full time job.

ADJOURNMENT: Ms. Baranski made a motion, supported by Mr. Kuebler to adjourn at 9:42p.m.

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Yeas: Matt Cunningham, Julie Collard, William Conklin, Doug Kuebler and Kristin Baranski.

Nays: None **Motion Carried**

Respectfully Submitted,

April Hilton

Hayes Township Deputy Clerk/Recording Secretary



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Comments on Beckett & Raeder proposal for \$6,000

message

LuAnne Kozma <luannekozma@gmail.com>

Mon, Feb 10, 2025 at 3:39 PM

To: kristin baranski <clerk@hayestownshipmi.gov>, kristin baranski <deputyclerkhayes@gmail.com>, Bill Conklin <supervisor@hayestownshipmi.gov>, "Treasurer W. Robbin Kraft" <treasurer@hayestownshipmi.gov>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Doug Kuebler <hayestrustee5@gmail.com>

Dear Board of Trustees,

Please include these comments in tonight's meeting handouts.
Thank you.

As it turns out, the Zoning Administrator, Ron Van Zee, is the one who asked the planning firm Beckett & Raeder to review the incomplete draft zoning ordinance. He did so without any authority to contract for those services. He did it in December without informing the Supervisor, who is the Township's legal agent.

The Township didn't have a valid contract with that firm to do anything. Thank you, Bill Conklin, for clarifying that with Beckett & Raeder. The proof is that Beckett & Raeder provided a proposed contract to review the draft for \$6,000.

In my opinion, the Board should not go forward with or approve that \$6,000 proposed contract for these reasons:

—The Township has thrown so much money to Beckett & Raeder, and yet the Township keeps rejecting the work the firm does for it. For example, in 2020, the Township paid \$20,000 for a Mancelona- style zoning ordinance. When the Township received exactly that, the Planning Commission threw it in the garbage and started copying the Bay Township ordinance. Here's a copy of the Mancelona ordinance—you can see it's in the same format, table of contents, everything, as the one produced for Hayes Township. If you didn't want that, the Township shouldn't have signed that \$20,000 contract.

Hayes Township also hired B&R for:

—amending the Zoning Ordinance in 2018, creating the Shoreland Protection Subcommittee and waterfront development regulations

—creating the current Master Plan in 2019

—doing an entire redraft of the Zoning Ordinance in 2020-2021 which undid a lot of the shoreland protections including rescinding of the 2018 amendment the Township paid Beckett & Raeder to create! (the \$20,000 contract)

—an update of the Parks and Rec Plan for \$10,000 but due to a “misunderstanding” Beckett & Raeder only produced 2 drawings for the plan, and Julie Collard re-wrote the plan and did the survey herself.

—those Focus Advisory group sessions for thousands of more dollars, without any written contract, resulting in... what? One page in the Master Plan, the Future Land Use Map.

Any planning consulting work on the magnitude of re-drafting a Master Plan or a Zoning Ordinance should be put out to bid to several companies. The County Planning Commission is sending out a Request for Proposals to 4 firms.

By law, the Township is required to review the Master Plan every 5 years—but not necessarily revise it. Some communities look at their Master Plan and see that it still holds. After all, Master Plans are supposed to project out 10 or even 20 years. I see some townships still using their 2005 Master Plans.

Had a professional planning consultant been helping the Planning Commission with that, we would not have seen the flawed survey that was just done—which denied a survey to every voter, but gave multiple surveys to owners of multiple parcels. If you owned 6 parcels, you got 6 surveys. But if you had 2, or 3, or 4 or 5 voters in your family living in the same residence, you only got one. One resident, Betty Henne, was denied a survey when she asked for one, and a Planning Commissioner admitted that this was on purpose to give multiple parcel owners more say than her household of two voters.

A professional planner never would have condoned that.

By law, the Zoning Ordinance has to be based on our current Master Plan.

However, many of the proposed changes in that draft are not based on that, but on the concepts being pushed by the PC. Such as: consolidating the Ag and Rural Residential zones, and tearing down the protections of the Shoreland Protection Strip. Those things are not in our Master Plan. Our Master Plan has the required Zoning Plan outlining the same Zoning Districts as our current Zoning Ordinance. Such as R-1, R-2, 3, 4 and 5.

Beckett & Raeder would tell you the same thing if you give them another \$6,000.

Attached please find the Beckett & Raeder \$20,000 ordinance draft the Hayes Board paid for, as well as the Beckett & Raeder zoning ordinance for Mancelona, the prior Mancelona ordinance, and the proposal Beckett & Raeder sent to Hayes Township explaining what it would do for Hayes Township.

I urge you to not hire Beckett & Raeder.

Sincerely,